

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Dennis Smith,

Plaintiff,

VS.

Performance Food Group, Inc.,

Defendant.

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CIVIL ACTION NO. H-03-5700

**MEMORANDUM AND ORDER**

Plaintiff's motion for extension of time to reply to opposition, Docket No. 52, is hereby **DENIED WITHOUT PREJUDICE TO REFILING**. If Plaintiff wishes to refile the motion, he should confer with Defendant as to whether Defendant opposes the motion and should include with the motion a certificate of conference and a certificate of service.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 25th day of October, 2005.



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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.